

## **REMARKS**

As an initial matter, Applicants thank the Examiner for indicating that claims 45-47 are allowed.

With entry of the present amendments, claims 22-28, 30, 33, 37, 40 and 45-49 are pending. Claims 1-20, 38-39 and 41-42 were previously cancelled; claims 21, 29, 31-32, 34-36 and 43-44 are currently cancelled; claims 22, 24, 25, 27, 28, 30, 33, 37 and 40 are amended; and claim 49 is new. No new matter has been added. The amended and new claims are fully supported by the application as originally filed. The amendments simply reflect the cancellation of independent claim 21 and the new dependency on allowed independent claim 45. In addition, certain of the elements of cancelled claim 34 have been incorporated into independent claim 33. Support for new claim 49, like previously presented allowed claim 45, may be found at least in Tables 1-2 of the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **I. Independent Claim 45 and Claims Depending Therefrom**

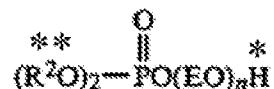
In Section 5 of the Office Action summary, the Examiner has indicated that independent claim 45, and claims 46-47 depending therefrom, are allowable. Applicants have amended claims 22, 24, 25, 27, 28, 30, 33, 37 and 40 to depend from allowed independent claim 45. For at least this reason, Applicants respectfully submit that all claims depending from allowed independent claim 45 are also allowable. Thus, Applicants respectfully request that the rejection of dependent claims 22-28, 30, 33, 37 and 40 be withdrawn.

### **II. Independent Claim 48**

Independent claim 48 stands rejected under 35 U.S.C. § 102(b) for being anticipated by U.S. Pat. No. 5,372,743 ("Miyamoto") or under 35 U.S.C. § 103(a) for being unpatentable over U.S. 5,858,928 ("Aubert"), U.S. Pat. No. 4,578,208 ("Geke"), U.S. Pat. No. 4,752,411 ("Melin") or U.S. Pat. No. 5,259,960 ("Beck"). Applicants respectfully traverse.

Independent claim 48 recites a process in which the corrosion inhibitor system comprises an alkyleneoxy-alkyl phosphate di- or triester of formula I and an anionic phosphate ester surfactant, wherein the alkyleneoxy-alkyl phosphate di- or triester of formula I and the anionic phosphate ester surfactant are different compounds.

Regarding the anticipation rejection based on Miyamoto, Applicants respectfully submit that the reference fails to teach each and every element of independent claim 48. First, Miyamoto fails to teach any species compound falling within the claimed genus of alkyleneoxy-alkyl phosphate di- or triester compounds of formula I. In fact, the genus of phosphate diester compounds disclosed in Miyamoto (compound (b2) or formula (3)) does not appear to overlap with the claimed genus of compounds. For convenience, the genus of phosphate diester compounds disclosed in Miyamoto is copied below:



The two differences between the prior art and claimed genus of compounds are marked with “\*” and “\*\*”. First (\*), in the prior art phosphate diester compounds, a hydrogen is bonded to (EO)<sub>n</sub> of the O-(EO)<sub>n</sub>H group. In the claimed genus of compounds, an alkyl group is bonded to each (AO)<sub>n</sub><sup>1-3</sup> of each of the O-(AO)<sub>n</sub><sup>1-3</sup>-Alkyl groups. Second (\*\*), the prior art phosphate diester compounds include two (R<sup>2</sup>O) groups. Based on the definition of R<sup>2</sup> in Miyamoto, the two (R<sup>2</sup>O) groups do not encompass a group falling within any of the claimed groups, O-(AO)<sub>n</sub><sup>1</sup>-Alkyl, O-M, O-(AO)<sub>n</sub><sup>2</sup>-Alkyl, or O-(AO)<sub>n</sub><sup>3</sup>-Alkyl. Miyamoto, col. 5, lines 33-47. Specifically, Miyamoto does not teach that R<sup>2</sup> could be an ammonium, alkali metal, alkaline earth metal cation, or a chain of alkyleneoxy groups with an alkyl group bonded to the chain. Because the prior art and claimed genres do not overlap, Miyamoto cannot disclose any species compounds which would anticipate the claimed genus.

Second, Miyamoto does not teach a composition that includes both an alkyleneoxy-alkyl phosphate di- or triester of formula I and an anionic phosphate ester surfactant, wherein the alkyleneoxy-alkyl phosphate di- or triester of formula I and the anionic phosphate ester surfactant are different compounds. Instead, Miyamoto teaches that the disclosed

compositions include a nonionic surfactant (compound (a) or formula (1)). Abstract and col. 2, lines 40-43. For at least these reasons, Applicants respectfully submit that a *prima facie* case of anticipation against claim 48 has not been made and respectfully request withdrawal of the present ground of rejection.

Regarding the obviousness rejections based on Aubert, Geke, Melin and Beck, Applicants respectfully note that the Examiner has not commented on Applicants' remarks in support of the patentability of this claim as set forth on page 16 of the Reply of 4/26/2011. Accordingly, Applicants repeat those remarks here. Applicants respectfully submit that none of the cited references teach or render obvious a composition that includes both an alkyleneoxy-alkyl phosphate di- or triester of formula I and an anionic phosphate ester surfactant, wherein the alkyleneoxy-alkyl phosphate di- or triester of formula I and the anionic phosphate ester surfactant are different compounds. In particular, no reason has been identified that would motivate the person of ordinary skill in the art to modify the compositions of Aubert, Melin and Beck to include an alkyleneoxy-alkyl phosphate di- or triester of formula I in addition to the anionic phosphate ester surfactants they already disclose. Similarly, no reason has been identified that would motivate the skilled artisan to modify the compositions of Geke to replace the "sprayable, nonionic surfactant" it already discloses with an anionic phosphate ester surfactant, especially when Geke teaches that the nonionic surfactant is present to "ensure that the solution can be used and sprayed at any desired process temperature without troublesome foaming," that it is critical to avoid foaming, and that the disclosed nonionic surfactant is already serving the purpose of providing a surfactant. Geke, col. 3, lines 31-34. For each of these reasons, Applicants respectfully submit that a *prima facie* case of obviousness against claim 48 has not been made and respectfully request withdrawal of the present ground of rejection.

### **III. New Claim 49**

Like allowed claim 45, new claim 49 recites that the corrosion inhibitor system consists of each of the recited compounds. None of the prior art teaches or suggests a composition that includes only the recited compounds. For at least this additional reason, Applicants submit that new claim 49 is also patentable.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-5254. Should no proper payment be enclosed herewith, as by a credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-5254. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-5254.

Respectfully submitted,

Date: July 20, 2011

By: /N. Meredith Porembski/

BELL & MANNING, LLC  
Customer Number: 96227  
Telephone: (608) 661-3593  
Facsimile: (608) 661-3597

N. Meredith Porembski  
Attorney for Applicants  
Registration No. 61,159